

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

ROY JOHNSON SHUPE,
 Petitioner,

v.

D.A. BRAXTON,
 Respondent.

)
)
)
)
)
)
)

Civil Action No. 7:12-cv-00024

FINAL ORDER

By: Norman K. Moon
United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby

ORDERED and ADJUDGED

that Shupe's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** as untimely filed, Shupe's motion to produce the state court records (Docket No. 2) is **DISMISSED as moot**, and this case shall be **STRICKEN** from the active docket of the court.

Further, finding that Shupe has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk of the Court is directed to send a copy of this Order and accompanying Memorandum Opinion to the petitioner.

ENTER: This 9th day of March, 2012.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE